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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. HURBACE et al.,

Defendants.

Case No. 2:17-cr-00110-APG-DJA

**Stipulation to Continue Restitution Hearing  
and Sentencings (Fifth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, through Richard Anthony Lopez and Mina Chang, Assistant United States Attorneys, counsel for the United States of America, Osvaldo E. Fumo, Esq., counsel for defendant Phillip D. Hurbace, Lisa A. Rasmussen, Esq., counsel for defendant Sylviane Della Whitmore, and Daniel Hill, Esq., counsel for defendant Larry Anthony McDaniel, that the Court continue the restitution hearing scheduled for January 11, 2024, at 2:30 p.m. and the sentencing hearings scheduled for January 17, 2024, at 1:30 p.m., 2:30 p.m., and 3:30 p.m., to a date convenient to the Court, preferably the afternoon of February 8, 2024, for the restitution hearing and February 13, 2024, for the sentencings.

This Stipulation is entered into for the following reasons:



1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 PHILLIP D. HURBACE et al.,

7 Defendants.

Case No. 2:17-cr-00110-APG-DJA

**[Proposed] Order Granting Stipulation to  
Continue Restitution Hearing and Sentencings  
(Fifth Request)**

8 Based on the parties' stipulation to continue the restitution and sentencing hearings, and  
9 good cause appearing therefore, the Court hereby finds that:

10 1. Defendant Hurbace was recently hospitalized in Northern Nevada and is currently  
11 under doctor's orders not to travel, making him unable to be present in Las Vegas for the  
12 currently scheduled restitution and sentencing hearings.

13 2. On January 5, 2024, Defendant McDaniel filed a motion requesting the  
14 withdrawal of his current counsel and for appointment of new counsel. A new attorney would  
15 require time to prepare for his sentencing.

16 3. All parties and the Court are currently available the proposed dates of February 8,  
17 2024 (for the restitution hearing) and February 13, 2024 (for the sentencing hearings).

18 4. This continuance is not sought for purposes of delay, but to ensure that all parties  
19 can be present at hearings in compliance with Federal Rule of Criminal Procedure 43(a)(3) and  
20 to provide any new counsel adequate time to prepare.

21 5. For the reasons stated above, the ends of justice would best be served by a  
22 continuance of the deadline. Denial of this request for continuance of the deadline could result in  
23 a miscarriage of justice.

24 6. Defendants are out of custody and do not object to the request for continuance.

**ORDER**

**IT IS HEREBY ORDERED** that the restitution hearing currently scheduled for January 11, 2024, at 2:30 p.m. is reset to 1:30 p.m. on February 8, 2024, in Courtroom 6C; and

**IT IS FURTHER ORDERED** that the sentencing hearings currently scheduled for January 17, 2024, at 1:30 p.m., 2:30 p.m., and 3:30 p.m. are hereby reset to:

1:30 p.m. on February 13, 2024, for Philip D. Hurbace;

2:30 p.m. on February 13, 2024, for Larry Anthony McDaniel; and

3:30 p.m. on February 13, 2024, for Sylviane Della Whitmore;

all in Courtroom 6C.

**DATED:** January 9, 2024



HON. ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE